

Message Text

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ACTION EB-07

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E.O. 11652: N/A
TAGS: BDIS, EIND, UY
SUBJECT: TRADEMARK PROTECTION: PROCTER & GAMBLE COMPANY

REF: BRAZEAL-LIPPE LETTER, NOVEMBER 9, 1976

1. REFLETTER PROVIDED INFORMATION RECEIVED FROM PROCTER AND GAMBLE CONCERNING UNAUTHORIZED INCORPORATION IN URUGUAY OF A FIRM KNOWN AS "PROCTER Y GAMBLE (URUGUAY) S.A." EMBASSY HAS NOW LEARNED THAT PRINCIPALS OF THIS SO-CALLED FIRM HAVE ALSO FILED A REQUEST FOR PROPRIETORSHIP OF THE TRADE NAME "PROCTER AND GAMBLE" WITH THE BUREAU OF INDUSTRIAL PROPERTY (DPI). THIS REQUEST INCLUDES THE USE OF THE NAME IN TWO CATEGORIES: CLALL 9 FOR CHEMICAL PRODUCTS AND CLASS 10 FOR COSMETICS.

2. ACCORDING TO URUGUAYAN LAW, THE REQUEST MUST BE PUBLISHED IN THE OFFICIAL GAZETTE WITHIN TEN DAYS OF PRESENTATION TO DPI. REQUEST WAS FILED ON DECEMBER 13. ONCE PUBLISHED, OPPOSITION TO THE REQUESTED REGISTRATION CAN BE MADE DURING THE FOLLOWING TWENTY DAY PERIOD. ON OTHER OCCAIONS OVER THE YEARS THE EMBASSY HAS INFORMED THE DPI OF OPPOSITION TO ATTEMPTED REGISTRATIONS ON BEHALF OF THE AMERICAN TRADEMARK ASSOCIATION AND OTHERS. WHEN OPPOSITION HAS BEE NOTED THE EMBASSY'S EXPERIENCE HAS BEEN THAT THIS IS NORMALLY SUFFICIENT FOR DENIAL OF THE ATTEMPTED REGISTRATION.

3. THIS MATTER MAY, HOWEVER, BE COMPLICATED BY THE APPARENTLY SUCCESSFUL ATTEMPT BY THE SO-CALLED FIRM "PROCTER & GAMBLE (;URUGUAY) S.A." TO REGISTER ITS INCORPORATION WHICH IS A SEPARATE PROCEDURE. EMBASSY SUGGESTS THAT PROCTER AND GAMBLE COMPANY MAY WISH TO OBTAIN LEGAL COUNSEL IN URUGUAY, IF NOT ALREADY REPRESENTED,
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IN ORDER TO LEGALLY OPPOSE ATTEMPTED REGISTRATION OF TRADE NAME AND

TO EXPLORE IMPLICATIONS OF INCORPORATION, AS WELL AS PROCESS ITS
OWN TRADEMARK REGISTRATION. EMBASSY, IF AUTHORIZED, CAN ALSO
INFORM DPI OF OPPOSITION TO ATTEMPTED REGISTRATION OF PROPRIE-
TORSHIP OF THE TRADE NAME.
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